

REMARKS

In the outstanding Official Action, the Examiner:

- (1) objected to claim 20 for being redundant;
- (2) objected to the disclosure at page 2, line 9 for being informal;
- (3) rejected claim 4 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention;
- (4) rejected claims 1, 6-8, 10, 11, 16, 18-20 under 35 USC 103(a) as being unpatentable over Samuels (U.S. 3,416,518) in view of Williams (U.S. 5,415,624);
- (5) rejected claims 2-5 under 35 USC 103(a) as being unpatentable over Samuels in view of Williams and further in view of Donner (U.S. 6,449,772);
- (6) rejected claim 9 under 35 USC 103(a) as being unpatentable over Samuels in view of Williams and further in view of Girest (U.S. 3,837,007);
- (7) rejected claims 12 and 13 under 35 USC 103(a) as being unpatentable over Samuels in view of Williams and further in view of Berger (U.S. 4,531,241);
- (8) rejected claim 17 under 35 USC 103(a) as being unpatentable over Samuels in view of Girest; and
- (9) objected to claims 14 and 15 as being dependent upon a rejected base claim, but indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response to Item 1 above Applicant has canceled claim 20.

In response to Item 2 above, Applicant has amended the specification at page 2, line 9, as suggested by the Examiner.

In response to Item 3 above, Applicant has amended claim 4 to delete the trademark "LYCRA" and to include a two or four-way stretch nylon-like material and spandex.

In response to Items 4 through 7 above, Applicant respectfully disagrees with the Examiner's rejections, however, Applicant has canceled claim 16 and amended claim 1 to more clearly define the present invention and distinguish it from the prior art.

Samuels discloses a cover for a cast for a broken limb. More particularly, Samuels discloses a cast cover formed of a tubular sleeve with opposed open ends, a thumb hole and binder strips around each opening which permit the ends of the tubular sleeve to be tucked into the open ends of the cast and thereby prevent the frayed ends of the cast from irritating the skin of the user. As stated by the Examiner, the invention of Samuels does not include a pocket fixed to the tube for receiving a selected article, which is required in claim 1 of the present invention.

Applicant does not believe that this element is anticipated or rendered obvious by the combination of Samuels with Williams. More particularly, the cast cover of Samuels needs to have enough flexibility to slide over the cast, however, once the cast cover is on the cast, it does not need to be capable of providing any movement to the hand, wrist and arm of the user. The only function of the cast cover is to keep the cast from discoloring or deteriorating from age and/or moisture and to prevent abrasions to the skin areas around the edges of the cast. Similarly, Williams discloses a therapeutic and supportive brace which is constructed to address the problems of pain, inflammation and stiffness while providing support or restricting

motion. In order to accomplish this, the invention of Williams utilizes a brace with pockets for receiving and containing hot and cold pods. Furthermore, on the under side of the brace, there is a pocket for receiving a stiffener that acts as a splint for immobilizing a joint.

In contrast, claim 1, as amended, calls for a thermal article of clothing for covering an underlying area at a gap between a coat sleeve and a glove, wherein the article comprises, among other things, a pocket which is sized to accept and hold a warming device, a credit card, an identification card, or a driver's license while still permitting the user's wrist to be flexible. In other words, the present invention provides an article of clothing which is flexible enough to allow free movement of the hand, wrist and arm while keeping it covered and protected from the elements (e.g., cold, rain) and at the same time permits the user to hold a warming device or a personal article such as a credit card, an identification card or a driver's license.

This is sufficiently different from Samuels and Williams. The brace of Williams is designed to provide support and treatment to an anatomical part. In other words, the brace of Williams is meant to restrict movement in the wrist area in order to aid in the treatment of major chronic conditions. In addition, the pockets which receive and contain reusable hot and cold pods, and the pocket which receives a removable stiffener, are not sized to receive a personal article such as a credit card, an identification card or a driver's license, as is required by claim 1 of the present invention.

Furthermore, the combination of Samuels and Williams would not serve the purpose of the present invention (i.e., to protect

the area between a coat sleeve and a glove). More particularly, one would never wear the cast cover of Samuels without a cast. In fact, if the cast cover was worn without a cast, it would most likely be too large (and thus not form-fitting as required by claim 1) for the user's arm, both in length and width, and the object of the present invention would be defeated. Similarly, the brace of Williams, which is "wrapped" around the arm/wrist area and is secured with Velcro or hooks, does not even cover the entire area around the wrist. The main object of the present invention is to provide an article of clothing for covering the underlying area at the gap between a coat sleeve and a glove. Clearly, the brace of Williams would not be able to satisfy this aspect of the invention.

Thus, the present invention, as recited in amended claim 1, appears to fall well clear of the teachings of the prior art and this claim is believed to be allowable.

Claims 2-15 and 19 depend from claim 1, either directly or indirectly, and are believed to be allowable at least through dependency.

In response to Item 8 above, claim 17 has been amended in the same manner as claim 1 and also calls a reflective means for increasing the visibility of the article. As stated above, Samuels does not include a pocket fixed to a tube. This element is neither anticipated nor rendered obvious by the combination of Samuels with Girest.

Girest discloses a pair of light weight sleeves with light reflecting strips running longitudinally from the wrist band to the shoulder portion which are adapted to be pulled over the sleeves of a uniform jacket or shirt. Clearly, Girest does not describe an article of clothing for covering a gap between a coat

sleeve and a glove which comprises a tube and a pocket fixed to the tube for receiving a selected article. Thus, Applicant believes that claim 17, as amended, is allowable over the prior art.

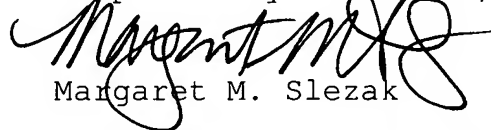
In response to Item 9 above, Applicant has added new claims 21 and 22, which correspond to dependent claims 14 and 15, respectively, and include all of the limitations of the base claim and any intervening claims.

Applicant believes that claims 1-15, 17, 19 and 21-22 are now in condition for allowance, and allowance thereof is respectfully requested.

In the event that any fees may be required in this matter, please charge the same to Deposit Account No. 16-0221.

Thank you.

Respectfully submitted,



Margaret M. Slezak

Registration No. 55,625

Pandiscio & Pandiscio, P.C.

470 Totten Pond Road

Waltham, MA 02451-1914

Tel. No.: (781) 290-0060

MMS/GREG1CIP3.AMD